
EVALUATOR MANUAL TRANSMITTAL SHEET

Distribution:

☐ All Child Care Evaluator Manual Holders
☐ All Residential Care Evaluator Manual Holders
☒ All Evaluator Manual Holders

Transmittal No.
12 RM-01

Date Issued

February 2012

Subject:

Reference Material – Recording the Complaint: Section 3-2110

Reason for Change:

Update instructions for recording the complaint.

Filing Instructions:

REMOVE – Pages 9 through 18.

INSERT – Pages 9 through 18.

Approved:

ORIGINAL DOCUMENT SIGNED BY
Thomas Stahl, Chief

January 27, 2012

THOMAS STAHL, Chief
Policy Development Bureau
Community Care Licensing Division

Date

Contact Person: Seton Bunker

Phone Number: 916-651-3495

3-2110 RECORDING THE COMPLAINT (Continued)**3-2110**

The code numbers, which are listed on the LIC 802, are to be written in the “code column”, located on the left-hand margin of the form. The complaint codes are as follows:

- | | |
|---------------------------------------|------------------------|
| 1. Physical Abuse/Corporal Punishment | 11. Food Service |
| 2. Sexual Abuse | 12. False Statements |
| 3. Personal Rights | 13. Medication |
| 4. Unlicensed Care | 14. Financial Abuse |
| 5. Fire Clearance | 15. Level of Care |
| 6. Crimes | 16. Qualifications |
| 7. Physical Plant | 17. Financial Issues |
| 8. Record Keeping | 18. Questionable Death |
| 9. License | 19. Other |
| 10. Neglect/Lack of Supervision | |

The analyst taking the complaint needs to obtain as much specific information as possible during this initial contact in order to identify those regulations/laws which may have been violated. In some situations the analyst may have to ask probing specific questions to determine if a licensing violation has occurred. In other situations, the analyst may have to weed through an avalanche of information and comments to find a single licensing violation. A complaint should not be written up unless a licensing violation or inimical conduct is alleged. Questions regarding the date(s) the allegations occurred, names, if appropriate, etc., should be asked throughout the conversation. If there are allegations regarding food and housekeeping, the complainant should be asked to describe the substandard conditions in detail.

If during the conversation, the complainant reveals information that would be pertinent to the complaint investigation, the analyst should document this additional information on the back of the LIC 802 in the top section marked “Details of Allegation(s)/Description of Incident(s)”. If more space is needed, use an LIC 812, Detail Supportive Information form and attach it to the Complaint Report. All allegations should be written in a clear concise manner, so anyone reading the LIC 802 understands exactly which law or regulation has allegedly been violated.

When the complainant alleges abuse, the analyst must remember to capture the essential information for filing the required reports of suspected abuse. The analyst should ask what agencies have been notified of the abuse (i.e., law enforcement), if the victim was taken to a physician or hospital and, if so, are there photographs available of the bruises, burns, cuts, etc. Details should be documented on the top back section of the LIC 802 or on an LIC 812 form. It should also be noted if the complainant was unable to provide specific details. This will indicate that the information was requested.

As a reminder, Licensing Program Analysts are mandated reporters based on Welfare and Institutions Code Section 15630 and Penal Code Section 11166(a). Also the licensee and their staff are mandated reporters.

If the complaint allegation is regarding abuse, the analyst taking the complaint needs to ask the complainant if they filed an abuse report. If the complainant filed an abuse report, the analyst does not need to file the report and the Licensing Program Analyst checks the YES box after “was abuse report required and filed?” on the LIC 802. If the complainant has not filed an abuse report and the analyst suspects abuse, the Licensing Program Analyst checks, the NO box after “was abuse report required and filed?” on the LIC 802.

3-2110 RECORDING THE COMPLAINT (Continued)**3-2110**

Whenever the analyst suspects abuse against an elder or dependent adult, he/she is to complete an SOC 341 “Report of Suspected Elder/Dependent Abuse” report and submit a copy to the Long-Term Care Ombudsman or the local law enforcement agency. For more information see the Department of Justice website <http://ag.ca.gov/bmfea/> which has posted the video, “Your Legal Duty...Reporting Elder and Dependent Adult Abuse” and the associated training curriculum.

Whenever the analyst suspects abuse against a minor, he/she is to complete an SS 8572 “Suspected Child Abuse Report.” This form is used to notify a reporting agency about suspected cases of child abuses and maybe used to cross-report to another agency. A copy of this form is to be submitted to law enforcement and Child Protective Services. To view the form, see: http://ag.ca.gov/childabuse/pdf/ss_8572.pdf.

3-2115 MULTIPLE COMPLAINT REPORTS OF THE SAME INCIDENT**3-2115**

From time to time a Licensing Program Analyst may encounter multiple complainants reporting the same allegation. Whenever it appears that multiple complainants may be reporting the same allegation, the Licensing Program Analyst must analyze the reports to determine whether they are duplicates. Complaints are duplicates only if they are identical allegation(s). Identical means the same answers to the questions of who, what, where, why, when and how. This is important to ensure that all complaint allegations are investigated while at the same time utilizing resources efficiently.

Once it is determined that a complaint allegation is duplicated the assigned Licensing Program Analyst shall merge all information received from the latter complaint(s) with the original complaint on the Complaint Report (LIC 802).

1. The duplicate complainants and their contact info shall be added to the detail section (Page 2 of the original Complaint Report (LIC 802). All complainants shall be contacted for the pre and the post investigation follow up.
2. If a subsequent complainant reported an additional allegation(s) that wasn’t already reported, then a separate complaint (LIC 802) shall be completed for the additional allegation(s).

Remember, as with all complaints, if requested, the complainant’s confidential status is to be protected. This includes not revealing the complainant’s identity to the other complainant even though they are both listed on the same Complaint Report (LIC 802).

3-2120 ESTABLISHING CONTROLS**3-2120**

An on-site facility visit must be made within ten **calendar** days after receipt of a complaint, except when the complaint involves any **death** of a child or questionable death of an adult or elderly client. A site visit must be made within **two business days** after receiving a complaint of a questionable death (death resulting from injury, abuse, or other than natural causes) of an adult or elderly client or any **death** of a child.

3-2120 ESTABLISHING CONTROLS (Continued)**3-2120**

Calendar days are counted in the following way:

1. The day the complaint is received is not counted.
2. The date on which the visit is due is counted as the 10th day, unless that day is a Saturday, Sunday, or official holiday.

If the due date falls on a Saturday, Sunday, or official holiday, then the mandatory site visit must be accomplished on the following workday if not before.

Business days are counted in the following way:

1. The day the **death** complaint is received is not counted.
2. The date on which the visit is due is counted as the second business day.

Saturday, Sunday, Holidays and Official Holidays are not counted as a business day.

Example:

Calendar Days		Business Days	
Thursday	Complaint received	Thursday	Death Complaint Received
Friday	Day 1	Friday	Day 1 – First Business Day
Saturday	Day 2	Saturday	
Sunday	Day 3	Sunday	
Monday	Day 4	Monday	Day 2 – Second Business Day- Visit Due
Tuesday	Day 5	Tuesday	
Wednesday	Day 6	Wednesday	
Thursday	Day 7	Thursday	Death Complaint Received
Friday	Day 8	Friday	Day 1 – First Business Day
Saturday	Day 9	Saturday	
Sunday	Holiday	Sunday	Holiday
Monday	Official Holiday	Monday	Official Holiday
Tuesday	Day 10 - Visit Due	Tuesday	Day 2 – Second Business Day- Visit Due

After accepting complaint information the analyst must follow the Regional Office procedures which ensure that the complaint is logged on the Complaint Control Log (LIC 957), receives a control number, a due date, and quickly routed to the appropriate analyst. This process is normally done by support staff as outlined in Section 700 of the Regional Office Procedures Manual.

At this point, the complaint becomes a workload assignment. The analyst should immediately record the control log information into his/her Field Control Book. This practice prevents the assignment from being forgotten and assures that the mandatory investigative timetables will be monitored.

3-2200 PLANNING THE INVESTIGATION**3-2200**

Because complaint investigations involve more “leg work” than routine facility evaluations, it is important to plan an investigative approach to ensure comprehensive data gathering in the event the investigation results in an administrative action.

3-2200 PLANNING THE INVESTIGATION (Continued)**3-2200**

Upon receiving the complaint assignment, identify the extent of the problem and the laws and regulations that may have been violated. A Licensing Program Manager should be immediately informed of all allegations that, if true, would endanger the health and/or safety of any clients or children in care. Allegations of abuse and other immediate health and safety threats are always first priority. Prior to conducting the complaint investigation, the Licensing Program Analyst must contact the complainant, if one is indicated on the LIC 802, and obtain clarification and/or additional information regarding the allegation(s). Record this additional information on the back of the LIC 802 in the section marked "Pre-Investigation Contact with Complainant."

By law (Welfare & Institutions Code 9721), complaints referred by the Office of the State Long-Term Care Ombudsman are given priority. Additionally, in 1982, Assembly Bill 2997 (Chapter 1457) (Welfare & Institutions Code 9725) was passed stating that the identification of a resident "shall remain confidential unless disclosure is authorized by the patient or resident or his or her conservator or legal representative."

Thus, if the Ombudsman is referring a complaint on behalf of a client and refuses to relinquish any client identifying information, the analyst shall still accept the submitted information as a complaint and proceed with the investigation. If the investigation is difficult to pursue because of insufficient client-related information, the Ombudsman should be re-contacted. The difficulty should be explained and all possible information collected from the Ombudsman. The investigation shall commence on the basis of available information, as with complaints from other sources.

Complaints related to unlawful evictions must be given priority consideration. Residents who have been issued an eviction notice face the potential of being relocated from the facility. These complaint investigations must be initiated in a timely manner to ensure that the eviction notice and process is compliant with existing statute and regulations. (See the Evaluation Manual's Regulation Interpretations and Procedures section 87224 on eviction procedures in residential care facilities for the elderly.)

Prior to making a complaint site visit, the analyst must review the file, and according to Regional Office procedures, discuss the serious cases with a Licensing Program Manager. During the file review, the number and kind of substantiated complaint violations should be noted. This information may be needed later to determine if the licensee (Community Care Facilities only) will have to be notified to send copies of the LIC 9099s to the clients' authorized representatives should this complaint be substantiated (Refer to Evaluator Manual's Reference Material section 3-2330, Special Documentation Requirements for Community Care Facilities). Any records which are not confidential and which may be helpful can be photocopied for reference during the site visit.

If there is a complaint about a Certified Family Home, consider contacting other Regional Offices that have Certified Family Homes associated with the same Foster Family Agency. The purpose of this contact is to determine whether there is the same type of problem with many Certified Family Homes of the same Foster Family Agency. If this appears to be true, Analysts should investigate whether there may be a systemic problem within that Foster Family Agency.

3-2200 PLANNING THE INVESTIGATION (Continued)**3-2200**

Analysts are mandated by law to report suspected abuse. (Refer to the Evaluator Manual's Reference Material Complaints sections 3-2600 through 3-2630 for investigating abuse, the Evaluator Manual's Reference Material Reporting Requirements section 4-0000 for reporting procedures, and California Code of Regulations, title 22, sections 80044 and 80045 for Community Care Facilities; section 82044 for Adult Day Programs; sections 87755 and 87756 for Residential Care Facilities for the Elderly; 87844 and 87845 for Residential Care Facilities for the Chronically Ill; sections 89244 and 89245 for Foster Family Homes; sections 101200 and 101201 for Child Care Centers; and the Evaluator Manual's Reference Material Complaints section 3-2300 for details on preparing for the visit.)

3-2210 PRIORITIZING AND EVALUATING THE COMPLAINT**3-2210**

Analysts are responsible for making their Licensing Program Managers aware of all complaints, especially those concerning the health and safety of children and clients. The Licensing Program Manager and analyst may jointly decide it is necessary for the analyst to make an immediate visit.

In offices serving remote areas, it may be expedient for the Licensing Program Manager to call an analyst in the field to respond to the complaint because he/she may be in the general location of the facility.

The following are examples of complaint situations seriously endangering the health and safety of clients or children:

1. Fire hazards
2. Misuse of medication
3. Priority I or II Allegations

Sometimes complaints are filed with the licensing agency in order to harass a licensee. Suspected harassment, i.e., repeated complaints which have over time never been substantiated, should be thoroughly documented detailing considerations of the complainant's motivation, the number of times the complainant has filed allegations against the facility, how recently the last inspection was made, history of the facility, and the probability that the violation exists.

It is essential for an analyst to exercise caution when dealing with complaints which involve neighborhood disputes. Even though the complaint may be filed as the result of unrelated disputes or hard feelings, the basis for the complaint may be factual. It is the determination of this factual basis that is the concern of the Department. In most cases, at least one site visit will be necessary to assess the situation. During the visit, complaint details and observations must be carefully recorded.

Regardless of whether harassment is determined, the Complaint Report (LIC 802) should be completed. Elements of the complaint should be listed on the front, the rationale for suspected harassment on the reverse side. The LIC 802 then follows the normal control procedures and is sent to the Licensing Program Manager for review. If the Licensing Program Manager is in agreement that the complaint is harassment and without substance, he/she would sign off; thus, a site visit would not be required.

3-2230 COMPLAINT CONSULTANTS**3-2230**

Some complaint investigations may require technical knowledge and expertise beyond the capabilities and/or duties of licensing staff. Assistance with these cases is available to State licensing offices from consultants under contract with the Department and from other State or local agencies. Most often these services are useful during a joint visit to the facility.

The consultants under contract specialize in medicine, nursing, nutrition, pharmacology, psychiatry and psychology. These services can be requested through a Licensing Program Manager.

Other agencies whose technical assistance may be very valuable and may have a mutual interest in the facility include:

1. Local fire departments
2. State/local health departments
3. Client advocate groups
4. Placement agencies
5. Protective service agencies
6. Law enforcement agencies
7. Resource and referral agencies

3-2240 USE OF LAW ENFORCEMENT BACK-UP**3-2240**

In cases where there may be physical danger to the analyst, (i.e., investigation of unlicensed operations in high crime areas or situations where drug dealing is part of the allegation) the analyst and Licensing Program Manager may determine that local law enforcement back up is necessary. This should be arranged prior to the visit and noted on the LIC 802.

3-2300 CONDUCTING THE SITE VISIT**3-2300**

The purpose of Evaluator Manual sections 3-2305 through 3-2400 is to provide basic guidelines to the analyst for resolving complaints that do not involve allegations of physical or sexual abuse. Upon receipt of these complaints, the licensing agency must respond within ten calendar days.

3-2305 ENTRANCE INTERVIEW**3-2305**

Complaint visits are made without prior notice to the licensee; in other words, they are “unannounced”. Before entering the facility, the analyst must identify him/herself to the licensee, or person in charge. Once inside the facility, the analyst should explain the purpose of the visit and the basic elements of the complaint. In all cases except those involving Priority I or II allegations, the analyst shall apply the standard practice of divulging the substance of the complaint during the ten-day on-site visit. Refer to Evaluator Manual sections 3-2325, Complaints Involving Facilities That Are Not Owner-Occupied, 3-2605, Assisting Other Investigatory Agencies, and 3-2610, Investigating Allegations of Abuse, for details on exceptions to this rule.

3-2305 ENTRANCE INTERVIEW (Continued)**3-2305**

If there is a complaint about a Certified Family Home, the analyst may involve the Foster Family Agency before the ten-day on-site complaint visit to the Certified Family Home. However, the substance of the complaint must not be revealed before the Certified Family Home complaint visit as required by Health and Safety Code Section 1538(b).

The analyst must review the Foster Family Agency's Certified Family Home record before or after visiting the Certified Family Home.

During the entrance interview at the facility site/Certified Family Home, the analyst should explain:

1. The law requires that all complaints be investigated.
2. The complaint is an allegation, not an accusation, of wrongdoing.

Following this, the analyst should briefly outline what he/she intends to do while in the facility/Certified Family Home, how the licensee/authorized representative/Certified Family Home parent can assist and that, before leaving, the findings will be discussed with the licensee.

The licensee/designated representative should also be told that if deficiencies are found, they will be described on the Licensing Report and that there will be an opportunity to develop a written Plan of Correction on the report during the exit interview. The Foster Family Agency staff will handle the written Plan of Correction for the Certified Family Home parent.

The licensee/authorized representative should be further advised that he/she may use space on the Licensing Report to document his/her point of view and that signing the report does not imply agreement with the findings but is acknowledging receipt of the licensing report.

3-2310 REVIEW OF THE FACILITY**3-2310**

When visiting the facility or Certified Family Home in response to complaint allegations, the primary focus is to thoroughly investigate all elements of the complaint. Investigating an allegation of inadequate food served at mealtime, for example, should involve checking the quantity and quality of perishable and staple foods, the menus, the diets, and dietitians' reports where appropriate. Additionally, the analyst should try to schedule the visit prior to and during meal times and appropriately note this information on the Complaint Investigation Report (LIC 9099). The report should also include the analyst's observation of the preparation, handling and serving of meals; interviews with clients, children, and kitchen staff; check of the food in storage; and inspection for contamination.

In some cases, the complaint may be easily solved and there may be time for other evaluations that may be due, such as post-licensing, annual, etc. However, if secondary evaluations are conducted, the findings must be documented on the LIC 809 separate from the findings of the complaint investigation (LIC 9099). Refer to Evaluator Manual section 3-3105 of the Documentation Section.

In other cases, the allegations may be such that a comprehensive evaluation is required during the visit in order to resolve the complaint. If additional complaint related deficiencies are found during this comprehensive evaluation, those deficiencies may be documented on the same LIC 9099 if space permits.

3-2310 REVIEW OF THE FACILITY(Continued)**3-2310**

However, if during the comprehensive evaluation there are unrelated deficiencies found, both a LIC 809 and a LIC 9099 must be completed. For example, the analyst receives a complaint alleging inadequate supervision. While at the facility investigating the complaint, the Licensing Program Analyst finds a broken window with sharp jagged edges. Because the broken window is not directly related to the complaint allegation, the analyst must report the findings of the broken window separately on a LIC 809. At the top of the LIC 809, under type of visit, the "MANAGEMENT" box should be checked, as this finding has nothing to do with the original complaint received. The complaint findings would be documented on a LIC 9099.

3-2315 DOCUMENTING THE INVESTIGATION**3-2315**

The official form for documenting the investigation is the Complaint Investigation Report (LIC 9099). (Refer to Evaluator Manual section 3-3125.) The LIC 9099 is intended for use in the field as an expeditious means of reporting and recording the analyst's findings. It is also a public record of the licensee's/operator's response and agreed upon corrections and dates. With the exception of Residential Care Facilities for the Elderly all "unfounded" complaints are contained in the confidential file and not the public file.

The analyst will complete the LIC 9099, after the appropriate facility inspection, records review, and interviews, and prior to departing. When selecting a place in which to write the report, the analyst should request a location which prevents disruptions to the facility schedule and which minimizes interruptions of the analyst's work. In special situations it may be necessary to leave the facility to write the report and then return to present the findings and obtain a Plan of Correction. Except in cases where the complaint is determined to be unfounded, the LIC 9099 must not be mailed to the licensee in lieu of a return visit. With Certified Family Home investigations, give the LIC 9099 to the licensee or designated representative of the associated Foster Family Agency.

The Complaint Investigation Report includes an identification of who conducted the investigation, the purpose of the visit, who was contacted at the facility, followed by the complaint allegation and a summary of the investigation findings. When documenting the investigation findings, the analyst should be specific regarding the allegation and the reason for the determination of findings, consistent with confidentiality statutes. The report must conclude with a resolution for the complaint allegation. For allegations that require further investigation, refer to Evaluator Manual section 3-2640, Informing the Licensee of Complaint.

NOTE:

1. For special documentation instructions regarding Community Care Facilities, Residential Care Facilities for the Elderly and Residential Care Facilities for the Chronically Ill, that are not owner-occupied, refer to Evaluator Manual section 3-2325, Complaints Involving Facilities That Are Not Owner-Occupied.
2. For Certified Family Home investigations, give a LIC 9099 to the licensee or designated representative of the associated Foster Family Agency.

If the complaint is substantiated, the facility must be cited. The deficiencies would be cited by regulation number and a Plan of Correction date would be established on the LIC 9099. At this time the analyst should advise the licensee of his/her right to provide comments on the LIC 9099 regarding the complaint. In addition, the licensee may submit a letter to respond to the LIC 9099 and these documents become a matter of public record.

3-2315 DOCUMENTING THE INVESTIGATION(Continued)

3-2315

The licensee should be advised that any comments made on the LIC 9099 or additional documents for the public record must not include names of clients or family of clients. (Refer to Evaluator Manual section 3-3125 for instructions for completing an LIC 9099.)

The following resolution codes shall be used when determining the status of complaints:

- (S) **Substantiated** – A finding that the complaint is *substantiated* means that the allegation is valid because the preponderance of the evidence standard has been met.
- (I) **Inconclusive** – A finding that the complaint is *inconclusive* means that although the allegation may have happened or is valid, there is not a preponderance of the evidence to prove that the alleged violation occurred.
- (U) **Unfounded (formerly not substantiated)** – A finding that the complaint is *unfounded* means that the allegation is false, could not have happened, and/or is without a reasonable basis.

The following documentation procedures are to be used for all facility categories, except as noted in #3 below:

1. The analyst is to inform the licensee or designated representative of all specific allegations at the time of the initial visit, except for those complaints involving suspected abuse. Refer to Evaluator Manual section 3-2610, Investigating Allegations of Abuse.
2. The investigation findings for each complaint allegation are to be documented on the Complaint Investigation Report. The LIC 9099 has been designed to accommodate one allegation per form. However, the Licensing Program Analyst may document more than one allegation per form, provided space is available and the findings are the same for each allegation, i.e. all unfounded, substantiated, inconclusive, or needs further investigation. The Licensing Program Analyst cannot document two allegations with different findings (i.e. one allegation that is unfounded and the other substantiated). Also, it is not appropriate to lump all food service or physical plant allegations under one allegation. For example, if the complaint received is for no menus, dirty kitchen, and clients being deprived of food in the facility, these allegations must be treated as three separate allegations. (See Evaluator Manual section 3-3125, Documentation.)
3. All substantiated and inconclusive complaint allegations are to be retained in the public file. All unfounded complaint allegations for community care facilities and child care facilities (excluding Residential Care Facilities for the Elderly, and Residential Care Facilities for the Chronically Ill) are to be retained in the confidential file.
4. If an allegation requires further investigation, the LIC 9099 is to be retained in the confidential file until a resolution is reached. If the allegation is determined to be substantiated or inconclusive, both LIC 9099s will be filed in the public file. If the allegation is unfounded, both LIC 9099s will be filed in the confidential file.
5. For complaints that are “unfounded”, licensing staff shall notify licensees, in writing, within 30 days of the determination that the complaint has been determined unfounded.

3-2315 DOCUMENTING THE INVESTIGATION(Continued)**3-2315**

Licensing staff must use the LIC 9099 to notify the licensee and the notification must include the statement, “This agency has investigated the complaint alleging (indicate the complaint allegation). We have found that the complaint was unfounded, meaning that the allegation was false, could not have happened and/or is without a reasonable basis. We have therefore dismissed the complaint.”

6. All documentation of communications between licensing staff and the Legal Division regarding any matter involving the investigation shall be retained in the confidential file. Such documentation is subject to the attorney-client privilege and not to be released to anyone without the Legal Division’s approval.

3-2325 COMPLAINTS INVOLVING FACILITIES THAT ARE NOT OWNER-OCCUPIED (COMMUNITY CARE FACILITIES, RESIDENTIAL CARE FACILITIES FOR THE ELDERLY, RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL only)**3-2325**

These procedures do not apply to Family Child Care Homes, Child Care Centers and all owner-occupied Community Care Facilities, all owner-occupied Residential Care Facilities for the Elderly and all owner-occupied Residential Care Facilities for the Chronically Ill.

When a routine complaint investigation is concluded at the facility visit and a Complaint Report (LIC 9099) is issued, but the licensee is not present, a copy of the report will be sent to the licensee by certified mail within ten calendar days of the visit. The envelope should be marked “personal and confidential.”

If there is no Foster Family Agency representative at a routine Certified Family Home investigation, the analyst may discuss with the Certified Family Home parent the essence of the complaint investigation findings and inform the Certified Family Home parent(s) that the Complaint Report will be given/mailed to the Foster Family Agency and that the licensing office will be working with the Foster Family Agency to correct any deficiencies found. If the Certified Family Home parent has any concerns about the Complaint Report, suggest that the individual contact the Foster Family Agency.

In situations where a complaint allegation of neglect, physical or sexual abuse of a client/resident by the facility administrator or a staff member has been received the following procedures are to be followed:

1. In situations where an initial site visit has been completed in order to meet the ten day mandate and the licensee is present at the time of the visit, the licensee will be informed verbally, in a confidential conversation, of the specific allegation(s), including the name of the alleged suspect.
2. For investigations of Certified Family Homes, the analyst may tell only the broad category of the allegation to the Foster Family Agency licensee or designated representative at the unannounced Foster Family Agency visit and before visiting the Certified Family Home. However, specifics may not be given to the Foster Family Agency before the complaint visit to the Certified Family Home. When documenting the allegation on the LIC 9099 at the time of the visit, it will be sufficient to identify the category of the violation, i.e., personal rights violation(s). It is not necessary to document the specific incident(s) being investigated or the names of the individuals involved.

3-2325 COMPLAINTS INVOLVING FACILITIES THAT ARE NOT OWNER-OCCUPIED (COMMUNITY CARE FACILITIES, RESIDENTIAL CARE FACILITIES FOR THE ELDERLY, RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL only) **3-2325**
(Continued)

Use a separate Confidential Names Form (LIC 811) to document the names of alleged victims, and suspects, and any identifying information about individuals in Foster Family Homes or Certified Family Homes. Since further investigation is required, the box “Needs Further Investigation” on the Complaint Report (LIC 9099) should be checked and an estimated date of completion for the investigation provided, such as 30, 45, 60, or 90 days. The investigation should not exceed 90 days.

3. If the licensee is not present when an initial site visit is completed, inform the designated facility representative or certified family parent that a complaint allegation of a personal rights violation is under investigation and that further investigation is required in order to resolve the complaint. An estimated date of completion for the investigation will be indicated on the LIC 9099. An LIC 9099 documenting this information will be left at the licensed facility. Within ten calendar days of the facility visit, a second LIC 9099 will be sent to the licensee by certified mail.
4. If the licensee’s address is also the facility’s address, the envelope should be addressed to the licensee and marked “personal and confidential”. This report will inform the licensee that an investigation alleging neglect, physical or sexual abuse of a client/resident is being conducted and that the investigation should be completed within a specified time frame, such as 30, 45, 60, or 90 days. The investigation should not exceed 90 days. The names of the alleged victims and suspects will be documented on the LIC 811 and sent to the licensee with the complaint report.
5. If the licensee is a Foster Family Agency, include an LIC 811 documented with the names of the alleged victims, suspects, and any identifying information regarding Foster Family Homes or Certified Family Homes used by the Foster Family Agency.

There are four exceptions to these revised notification procedures:

- A. Situations where the licensee or a relative of the licensee is the suspected perpetrator.
- B. Situations where the licensee is a corporation and the Chief Executive Officer or a member of the board is the suspected perpetrator.
- C. The Regional Manager has decided that there would be significant risk to the facility clients if the exact nature of the allegations were disclosed.
- D. The ten-day visit has been delayed due to a request by the law enforcement agency conducting a criminal investigation.

If the Regional Manager decides to delay the ten day visit under the provisions of Evaluator Manual section 3-2610, the requirement for written notification to the licensee of the specific nature of the allegation(s) as noted above is to be followed within ten calendar days of the date the complaint is received, unless the conditions of any above exceptions apply.